



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

VIA E-Mail: chuongnhan@amsty.com

Inspection Report Transmittal and Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act

Chuong Nhan
Specialist - Environmental
Americas Styrenics, LLC
305 Crenshaw Boulevard
Torrance, CA 90503-1791

Dear Specialist Nhan:

On August 17, 2021, a representative of the U. S. Environmental Protection Agency (EPA) and a representative of the Los Angeles County Fire Department, Health Hazardous Materials Division of conducted an unannounced compliance evaluation inspection (CEI) of the Americas Styrenics, LLC facility located in Torrance, California (AmSty or Facility) with RCRA Identification Number CAR000233247. This inspection was conducted under the authority of Section 3007(a) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6926.

A copy of the inspection report is enclosed for your information and response. The report describes conditions at the facility at the time of the inspection and identifies areas of noncompliance with RCRA regulations. Any omissions in the report shall not be construed as determination of compliance with any other applicable regulation.

Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, violations of RCRA hazardous waste management requirements, such as those identified in the enclosed inspection report, may be punishable by civil penalties of up to \$76,764 per day for each day such violation continues.

You are hereby required to submit documentation that you have corrected each of the violations identified in the enclosed inspection report within thirty (30) calendar days of your receipt of this letter. Documentation may consist of, among other things, photographs, manifests, and revised records.

EPA regulations governing the confidentiality of business information are set forth in 40 Code of Federal Regulations (CFR) Part 2, Subpart B. EPA routinely provides copies of investigation reports

to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If AmSty believes the enclosed inspection report contains information entitled to treatment as confidential business information, please assert a confidentiality claim in accordance with 40 CFR § 2.203(b) within fourteen (14) calendar days from the date of receipt of this letter. Business confidentiality includes the concept of trade secrecy and other related concepts. Your claim must specifically identify the information covered by the claim and should be sent to EPA by certified mail. EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of AmSty's receipt of this letter as a waiver of that claim and information may be made available to the public by the EPA without further notice. See 40 CFR § 2.203(a)(2).

Additionally, if AmSty believes that any information in AmSty's response to the enclosed report is entitled to treatment as confidential business information, please identify any such information and assert a confidentiality claim in accordance with 40 CFR § 2.203(b) in AmSty's response. EPA will construe the failure to make a confidentiality claim when the response is submitted to EPA as a waiver of that claim and information may be made available to the public by the EPA without further notice.

If EPA determines that any information over which AmSty asserts a claim meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B.

Request for Information

Pursuant to EPA's authority under Section 3007(a) of RCRA [42 U.S.C. § 6927(a)], AmSty is requested to submit to EPA the information and documents requested in Attachment I of this letter using the instructions included in Attachment II. Also, complete and submit the certification included in Attachment III.

Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 3008(g) of RCRA (42 U.S.C. § 6928(g)). These statutory provisions authorize EPA to seek the imposition of penalties of up to \$76,764 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not a collection of information within the meaning of 44 U.S.C. §§ 3502(3), 3507, and 3512. *See, also*, 5 Code of Federal Regulations (CFR) §§ 1320.3(c), 1320.5, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is part of an investigation of a specific individual or entity. 44 U.S.C. § 3518(c)(1); 5 CFR § 1320.4.

Your response to the enclosed report and Request for Information must be made by e-mail as a portable document file, signed by a duly authorized official, and submitted to the EPA within thirty (30) calendar days from the date of your receipt of this letter.

Please address the submittals to:

John Schofield
Hazardous Waste and Chemical Section, ENF-2-2
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
e-mail: schofield.john@epa.gov

By copy of this letter, EPA is providing the California Department of Toxic Substances Control and Los Angeles County Fire Department with notice of the referenced potential violations of RCRA Subtitle C.

Sincerely,

Kaoru Morimoto, Manager
Hazardous Waste and Chemical Section
Enforcement and Compliance Assurance Division

Enclosures

cc: Ryan Miya, California Department of Toxic Substances Control (w/o report enclosure)
Raquel Doom, Los Angeles County Fire Department (w/o report enclosure)

ATTACHMENT I

Therefore, pursuant to EPA's authority under Section 3007(a) of RCRA, Americas Styrenics, LLC is requested to submit to EPA the following information:

1. On September 2, 2021, AmSty responded to an EPA August 20, 2021 e-mail request for information regarding vessels T469 and T569. The information provided is not sufficient to understand how the partial condenser and condenser function, what materials from the manufacturing process are being recycled, and exactly how the waste sent to the hazardous waste accumulation tank, T307, is generated. EPA requests AmSty to provide a written description and supporting figures which helps EPA better understand how each type of condenser functions. Note: If this information will be classified by AmSty as Confidential Business Information, the information should be submitted to EPA via EPA's online secure file transfer service.
2. Provide a list of equipment that is identified by AmSty as inaccessible equipment.
3. Provide a copy of the tank certification for each of the hazardous waste accumulation tanks: T307 and T599 (see 22 CCR §§ 66262.34(a)(1); 66265 Article 10 [40 CFR §§ 262.17(a)(2); 265 Subpart J]).
4. Provide copies of daily tanks inspection records prepared by AmSty staff from January 1, 2021 to July 16, 2021 for hazardous waste accumulation tanks T307 and T599 (see 22 CCR §§ 66262.34(a)(1); 66265.195 [40 CFR §§ 262.17(a)(2); 265.195])

ATTACHMENT II INSTRUCTIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Attachment I, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents, if necessary. If you are unable to answer a request in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any request, state that person's name and last known address and phone number and the reasons for your belief.

If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion. If a document/information is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Have an Authorized Person Sign the Response and Certification (Attachment III). The signatory must be an officer or agent who is authorized to respond on behalf of the company or facility.

9. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 CFR § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- i. clearly identify the portions of the information alleged to be entitled to confidential treatment;
- ii. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- iii. measures taken by you to guard against the undesired disclosure of the information to others;
- iv. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- v. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- vi. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects. *Note: You are not required to respond to this question in light of the Supreme Court's decision in Food Marketing Institute v. Argus Leader Media, No. 18-481 (U.S. Supreme Court, June 24, 2019). As a result of that decision, EPA will not consider whether there is substantial competitive harm in evaluating your CBI claim.*

To make a confidentiality claim, please stamp, or type, confidential on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate the date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope that is clearly marked confidential.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

If the EPA determines that the information so designated meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B.

ATTACHMENT III
CERTIFICATION OF ANSWERS TO RESPONSES TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information and CEI report) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE